

REMARKS

This Request for Reconsideration is in response to the non-final Office Action of December 31, 2009 in which claims 1, 3-4, 6-11, 13-19, 21, 24-31 and 33-38 were rejected.

Regarding the 35 U.S.C. § 103 rejection of claims 1, 3, 8-11, 13-19, 21, 27, 29-31 and 33-37, the Examiner has made the *Kamimura* reference as the primary reference and introduced a new secondary reference *Sim et al* (U.S. 6,771,974).

Regarding the *Sim et al* reference, it deals with the problem of the conventional SMS function only providing one-way transmission of the short text message so that the sender and receiver cannot exchange short text messages with each other in real time as in two-way voice communications. See column 1, lines 19-23 of *Sim et al*.

Sim et al do not discuss, in any way, presenting an indication of receipt of a received electronic message for use by a user of the apparatus to identify a sender according to an identification stored in a record of the telephone. *Sim et al* assume in steps 210, 211, 310 that SMS mode has already been entered without discussing any details about exactly how that is carried out. After entering the SMS mode, the remaining parts of the *Sim et al* disclosure have to do with showing how to create a real time, two-way communication, such as shown in Fig. 4 on the displays of both the sending and receiving units. At that stage, the question of the identity of the sender has already been established by the receiver and *Sim et al* does not care to discuss how this is done, if at all. In short, *Sim et al* is silent on the issue of enabling the receiver to identify the sender. Presumably, the identification of the sender would be in accordance with the conventional SMS function existing at the time of the filing of the *Sim et al* application which would have been similar to that disclosed in the background of the invention section of the present disclosure. By reference to Fig. 2 of the present application, it is seen that the conventional SMS methodology provides an informative text 202 like "message received" where after that, the informative text typically disappears and is replaced by other information such as the envelope shown in Fig. 2 in the upper left hand corner.

The present invention addresses a drawback of this known way of indicating receipt of an SMS message. According to the insight of the present invention the user should be able to tell from whom the message is coming without having to actually enter the inbox. The icons of the present invention identify the sender and are moreover

displayed without the identification information so that the user is able to identify the sender by the icon alone. In that way a degree of privacy is provided since anyone seeing the icon would not necessarily know who it represents. Only the user would know that.

Neither *Kamimura* nor *Sim et al* contemplate the problem of preserving the privacy of the sender in this way nor do they show or suggest any recognition of the problem of avoiding the need to enter the inbox to see who has sent an SMS message. As suggested above, the fact that *Sim et al* do not show any identification information in Fig. 4 is “after the fact” of the identification part of the SMS mode and *Sim et al* are silent about the identification of the sender because they are dealing with events after that and are not concerned with identification since that is merely assumed to have taken place already. The whole object of *Sim et al* has to do with establishing a real time two-way communication such as voice with SMS using a split screen to make it seem more like real time communication. It has nothing to do with the problem of identifying a sender with either ring tones or other mechanisms and certainly neither of the references have to do with the question of whether there are any privacy issues that could cause concern to the receiver during the identification process.

Therefore, the combination proposed by the Examiner of supposedly of not showing identification in the split screen of Fig. 4 of *Sim et al* is not appropos since it does not deal with identification and therefore does not meet the limitations of the claims. A prima facie case of obviousness, has therefore not been established.

Moreover, even if that were not the case, the motivation suggested by the Examiner, i.e., in order to prevent the exposure of the identification of a person to a third party, would not have occurred to one of ordinary skill in the art because there is no mention of such a problem in either of the two references and the question would be why would they want to do that except by reference to hindsight in view of the present disclosure.

Both of the independent claims 1 and 19 contain these same limitations and therefore the arguments above apply equally to both independent claims. Their dependent claims are nonobvious for at least the same reasons.

Withdrawal of the obviousness rejection of claims 1, 3-4, 6-11, 13-19, 21, 24-31 and 33-38 is requested.

This request also applies to the dependent claims 4 and 38 rejected in Section 6, claims 6 and 24-25 rejected in Section 7, claims 7 and 26 rejected in Section 8 and claim 28 rejected in Section 9 for at least the same reasons.

The objections and rejections of the Office Action of December 31, 2009, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1, 3-4, 6-11, 13-19, 21, 24-31, and 33-38 to issue is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis J. Maguire". The signature is fluid and cursive, with the first name "Francis" and last name "Maguire" clearly distinguishable.

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